

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 3, 2011**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2014** by Thompson (Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses and to the prevention, prosecution, and punishment of those offenses.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend various chapters in the Alcoholic Beverage Code, the Code of Criminal Procedure, the Government Code, and the Penal Code, regarding certain criminal and civil consequences of the trafficking of persons, compelling prostitution, and other related criminal offenses.

Under the provisions of the bill, a conviction for a crime involving trafficking of persons or prostitution would be a factor in the Texas Alcoholic Beverage Commission or a county judge issuing, suspending or denying a permit or license. The bill would also add trafficking of a child or compelling prostitution of a child to the list of offenses for which bail can be revoked for a violation, for which a child safety zone would be established, for which contraband would be seized, for which the victims age must be stored in the offenders computerized criminal history, for which offenses are tracked by the bureau of identification at the Department of Public Safety, and for which criminal solicitation of a minor could be applied. The bill would amend the Code of Criminal Procedure by adding mandatory restitution for child victims of trafficking of persons or compelling prostitution. The bill would also make a person convicted of certain crimes involving the trafficking of persons or compelling prostitution subject to a court cost of \$100. The county treasurer would be required to keep records on the revenue collected from the additional court cost and quarterly send 50 percent of the monies collected to the Comptroller's Office. The remaining 50 percent would be deposited in a trafficking of persons and compelling prostitution prevention fund. According to the Comptroller of Public Accounts (CPA), there were 12 convictions in fiscal year 2010 that met the provisions in the bill. Based on this relatively small number of convictions this bill, the CPA reports it would have no significant impact on state or local revenues.

The bill would further require the Office of Court Administration to amend the official monthly report submitted by a district court or a county court-at-law to include a category for trafficking, prostitution and compelling prostitution, which OCA would thereafter be required to maintain. Under the provisions of the bill, an individual convicted of compelling prostitution of a child or certain trafficking of persons offenses and placed on community supervision would be subject to a \$5 monthly fee. The bill would also enhance the sale or purchase of a child to a second degree felony if the child was sold or purchased with the intent to commit trafficking of persons, prostitution, compelling prostitution, or sexual performance by a child. Under the provisions of the bill, prostitution would be enhanced to a Class A misdemeanor for one or two previous convictions, a state jail felony for three or more previous convictions, a third degree felony if the person solicited was between 14 and 18 years of age, and a second degree felony if the person solicited was younger than 14 years of age. The bill would also enhance employment harmful to children to a second degree felony and provide for additional enhancement to a first degree felony if the child was younger than 14 years of age at the time of the offense.

The Texas Alcoholic Beverage Commission, the Office of the Governor, the Department of Criminal

Justice, and the Comptroller of Public Accounts indicate no significant fiscal impact as a result of complying with the provisions of the bill. The Office of Court Administration and the Department of Public Safety indicate costs would be incurred as a result of complying with the provisions of the bill but it is assumed these costs can be covered within existing resources.

The bill would take effect on September 1, 2011 and apply to offenses committed on or after that date.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 458 Alcoholic Beverage Commission, 696 Department of Criminal Justice

**LBB Staff:** JOB, LM, JT, GG, JM, DAR, TB, ESi, AI, JJO